

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : KING et al.
U.S. Serial No. : 10/593,217
Confirmation No.: 7034
Filed : September 15, 2006
Examiner : Ganapathy Krishnan
Art Unit : 1623
For : COMBINATION THERAPY COMPRISING CLORETAZINE™

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July 10, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF THE SUBSTANCE OF INTERVIEW WITH THE EXAMINER

This Statement of Substance of Interview With The Examiner is filed pursuant to the Interview Summary issued July 6, 2009. This Statement must be filed no later than one month from the date of the Interview Summary, i.e. August 6, 2009. Accordingly, this Statement is being timely filed.

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Substance of Interview

On June 26, 2009, Applicants' attorney spoke with Examiner Ganapathy Krishnan respecting the present application. Applicants' attorney recounted to the Examiner that the application had been allowed on June 8, 2009, and recounted that the claims had been amended during prosecution pursuant to the Examiner's suggestion to recite dosage ranges specifically recited in the specification. Applicants' attorney further noted that while the dosage ranges recited in dependent claim 41 were in mg/m² amounts, the ranges recited in independent claim 36 (upon which claim 41 depends) were in mg/kg amounts. Upon further review, it had been noticed that the dosage ranges of claim 41 were broader than those of independent claim 36. Applicants' attorney asked the Examiner whether it would be permissible to change dependent claim 41 into an independent claim in order to solve this issue. Examiner Krishnan replied that he would look into the matter and would consult with his primary examiner as to whether this would be permissible.

On June 30, 2009, Applicants' attorney phoned Examiner Krishnan respecting the status of the proposed change. Examiner Krishnan stated that he had not yet been able to contact his primary examiner, and asked whether there was any particular reason why Applicants needed to move on this particular application. Applicants' attorney responded that there was activity in the corresponding European patent application and that the Applicants' wanted to rectify the issue in this application.

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On July 1, 2009, Examiner Krishnan left a message with the Applicants' attorney's paralegal, stating that in order to effect a change to claim 41, a Rule 312 amendment would have to be filed for examiner review and that the deadline to file the Rule 312 amendment would be before payment of the Issue Fee.

Conclusion

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. No fee is deemed necessary in connection with the filing of this Statement. However, if fees are required, authorization is given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,
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